

FILED  
JUL 18 2016AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANTCLERK, U.S. DISTRICT COURT  
with the Portsmouth,

1. I, Edward C. Roesch, am a sworn law enforcement officer with the Portsmouth, Virginia Police Department and have been employed as such since September 2011. I am currently assigned as a Task Force Officer of the Drug Enforcement Administration (DEA) and have been so employed since April 2015. As such, I am a sworn investigative law enforcement officer of the United States within the meaning of section 2510(7) of Title 18 U.S.C., who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I have completed extensive training emphasizing narcotic investigations and enforcement, and have participated in numerous state and federal investigations involving the illegal manufacturing, possession, sale, distribution, and importation of various controlled substances, as well as the commission of illegal financial transactions designed to conceal drug trafficking proceeds.

2. The facts set forth in this Affidavit are based on my personal involvement and participation in the investigation, as well as information derived through the review of written reports, public and law enforcement database searches, statements of co-conspirators, and discussions with other law enforcement officers and agents. Since this Affidavit is being submitted for the purpose of establishing probable cause, I have not included each and every fact known concerning this investigation, but only those facts necessary to establish probable cause to obtain an arrest warrant.

3. I make this Affidavit in support of an arrest warrant for BENITEZ AGUARIUS MOODY for possession with intent to distribute 28 grams or more of cocaine base, commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(iii), and possession of a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c).

PROBABLE CAUSE

4. Beginning in approximately October of 2015, Portsmouth Police Special Investigation Unit (SIU) detectives began receiving information from confidential informants and other sources that BENITEZ AGUARIUS MOODY was engaged in selling heroin and cocaine from a residence in the 1200 block of Lindsay Avenue in Portsmouth. On March 24, 2016, SIU

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detectives conducted a controlled purchase of approximately 1 gram of heroin from BENITEZ AGUARIUS MOODY, utilizing a confidential informant (hereinafter "CI"). Under the direction and control of law enforcement, the CI made a phone call to MOODY to order the heroin. Moody agreed, and then sent a female to deliver the heroin. Surveillance observed the female leave from MOODY's residence prior to meeting the CI to conduct the transaction. Thereafter, SIU Detective B. Shelkey sought and received a search warrant for the Lindsay Avenue residence. The search warrant was executed on March 24, 2016 at approximately 10:25 p.m., and the following items, among others, were recovered:

- 1) \$3,870 U.S. currency in a "Crown Royal" bag in the fireplace;
- 2) \$396 U.S. currency from MOODY's person;
- 3) Two cell phones from MOODY's person;
- 4) Various quantities of suspected crack cocaine on dresser in bedroom #1;
- 5) Plastic bag of suspected cocaine in bedroom #1;
- 6) Plastic bag with 4 corner baggies containing suspected heroin in bedroom #1;
- 7) Plastic bag containing 24 capsules of suspected heroin in bedroom #1;
- 8) 68 suspected prescription pills under the bed in bedroom #1;
- 9) Digital scale on dresser in bedroom #1;
- 10) Box of plastic baggies on bed in bedroom #1;
- 11) Glock .45 semi-automatic pistol with five cartridges on the bed in bedroom #1;
- 12) Rossi .38 revolver on the floor beside the bed in bedroom #1;
- 13) 15 rocks of suspected crack cocaine in leather jacket in kitchen;
- 14) Baggie with suspected crack cocaine on stove in kitchen;
- 15) Plastic bag with empty gel capsules in kitchen drawer;
- 16) White powder cutting agent in kitchen drawer;
- 17) Springfield Armory .40 caliber semiautomatic firearm in kitchen drawer;
- 18) Smith & Wesson .38 revolver and five cartridges in leather jacket in kitchen;
- 19) Cell phone in leather jacket in kitchen;
- 20) Cell phone on kitchen counter;
- 21) Driver's license and insurance card for BENITEZ MOODY;
- 22) Black metal press die on mantle above fireplace;
- 23) Hydraulic jack for press in 2004 BMW registered to BENITEZ MOODY;
- 24) Grey hydraulic press in back room next to fireplace.

5. Subsequent to the execution of the search warrant, BENITEZ MOODY was taken into custody and advised of his Miranda Rights by Detective Shelkey. MOODY acknowledged his rights, and agreed to speak with Det. Shelkey. During the course of the interview, MOODY stated, among other things, that he sold drugs to people as they called him. He said he had

approximately eight customers. When asked about the firearms in the house, MOODY stated, "I know I had that .38." MOODY also told Det. Shelkey that the drugs recovered from inside the house were drugs that he had stolen from another drug dealer.


6. The suspected narcotics were properly packaged and vouchered and sent to the Virginia Department of Forensic Science Tidewater Laboratory for analysis. The results were reported in Certificate of Analysis #T16-2605 as follows: 97.18 grams of crack cocaine (total), 2.77 grams of a mixture containing heroin, cocaine and fentanyl (total), and .50 grams of a mixture containing heroin and fentanyl.

7. Based upon the foregoing, I believe there is probable cause to believe that on March 24, 2016, in Portsmouth, Virginia, in the Eastern District of Virginia, BENITEZ AGUARIUS MOODY possessed with intent to distribute 28 grams or more of a mixture and substance containing a detectable of cocaine base, commonly known as "crack cocaine," in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(iii), and possessed a firearm in furtherance of drug trafficking, in violation of Title 18, U.S.C., Section 924(c), and ask that an arrest warrant be issued.

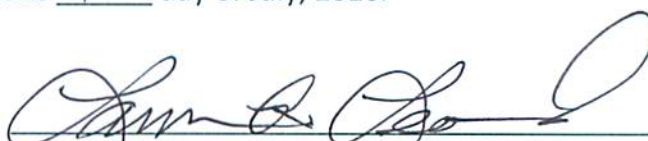
Further your affiant sayeth naught.

  
Edward C. Roesch, Task Force Officer  
Drug Enforcement Administration

Read and Reviewed:

  
Sherrie S. Capotosto  
Assistant United States Attorney

Subscribed and sworn to before me this 18<sup>th</sup> day of July, 2016.

  
UNITED STATES MAGISTRATE JUDGE  
Norfolk, Virginia